

READINGTON TOWNSHIP PLANNING BOARD MINUTES
REGULAR MEETING
April 11, 2022

The Meeting was called to order by Chair Monaco at 7:00 p.m. stating that the requirements of the Open Public Meetings Act have been met and that this meeting had been duly advertised.

ROLL CALL

Board Members in Attendance:

Albanese, J.

Allen, J.

Cook, J. (left the meeting at 8:05 p.m.)

Filler, C.

Monaco, R.

Mueller, A.

Hindle, J.

Villa, C.

Hendrickson, N.

Board Members Absent:

John, C.

Rohrbach, T.

Others Present:

Board Attorney Jonathan Drill, Esq., Board Planner Michael Sullivan, Board Engineer Rob O'Brien, and Board Secretary Ann Marie Lehberger.

MINUTES

There were no minutes presented for Board consideration.

RESOLUTIONS

There were no resolutions presented for Board consideration.

PUBLIC HEARING

Public Hearing on an Area in Need of Redevelopment Investigation (Non-Condemnation) Block 81 Lots 1, 2, 3 & 4.

Township Planner Michael Sullivan was present to provide a brief overview of the preliminary investigation report prepared by his office. Mr. Sullivan stated that his office examined the four properties, visited the sites, took photos, and collaborated with the Township Code office to prepare the report. He explained that the State Local Redevelopment Housing Law (LRHL) sets forth criteria that provides the basis for the determination for an area in need of redevelopment

Mr. Sullivan discussed each of the Block 36 study area properties with their findings as follows:

- Block 81 Lot 1 is owned by the Township of Readington. It contains 20.07 acres of land and has frontage on U.S. Route 202 and Railroad Ave.
- Block 81 Lot 2 is a qualified farm composed of 9.3 acres that has frontage on U.S. Route 202 and Railroad Ave. although access to Railroad Ave. is limited to a narrow “leg” of the property that runs along the east side of Lot 3. The property has been unimproved for at least 14 years and does not contain access to sewer service which limits its developability.
- Block 81 Lot 3 is a residential property that is 2.43 acres and contains a multifamily residential building with three dwelling units. The residential building features several instances of dilapidation. There are four outstanding construction code violations. The driveway is substandard and not in conformance with established standards for driveway design. The property contains a parking area that appears to be intended for several cars and does not appear to have any lighting. The present state of stormwater management is substandard. The property contains several accessory buildings and structures and contains outdoor storage of what appears to be junk.
- Block 81, Lot 4 is a single-family residential property. The property is .51 acres and has frontage on Railroad Avenue. Development on the property consists of a single-family house, a driveway, storage sheds and a children’s play area.

Chair Monaco opened the public portion of the meeting for questions of Mr. Sullivan.

Jim Hutzelmann, High Street inquired as to why the Township Committee requested that the Planning Board look at this area as a potential area in need of redevelopment. He also questioned why lots 2, 3, & 4 were added. Mr. Sullivan explained that the lots were added because of the need to extend to the public sewer service area as well as due to the shared access to Lot 1. Mr. Hutzelmann questioned a statement in the report regarding lack of access to Lot 2.

Mr. Sullivan clarified the statement and confirmed that he will amend page 16 of the report to read as follows:

“Block 81, Lot 2 in the Study Area is also unlikely to be developed due to its location and lack of access to sewer”

Mr. Hutzelmann asked for clarification as to the justification for the criteria used in the report.

Andrew Kelco, High Street inquired as to how long the Township owned Lot 1 and the reason it was purchased.

Bill Ashmore, High Street questioned if the location of wetlands were considered in the study of the area.

Chair Monaco opened the public portion of the meeting or comments.

Attorney Drill stated that the Board received written comments from two individuals that he will read into the record nothing that the redevelopment law has a provision that allows written comments in addition to oral comments.

Mr. Drill read the written comments provided by Dawn Localio as follows:

"As I looked over the paperwork you emailed me, I noticed several errors. First, on page 5 it states my lot consists of a gravel driveway that is shared with lot 3. That driveway is solely for lot 3, and I have submitted a survey previously that would support that. On the same page it states we have a parking area which is in actuality our driveway. On page 6 it states our property, lot 4, is the only portion located within the service area, but the manhole is approximately 800 feet from our house. There is no connection near our property. Additionally, it states that all of the properties are within the New Jersey American Water's public water service. However, this is untrue. When I rebuilt my house in 2014 and then later submitted for sewer flow in 2016/17, I inquired about public water and was told it was not offered in our area. In 2020 I again revisited this and was given the same answer. Should these errors be corrected before the report is submitted for approval?"

Ms. Localio was present and sworn. Mr. Sullivan explained that he will review the survey when provided and amend the report, as necessary. Mr. Sullivan confirmed that as per the map, lot 4 is in the sewer service area. Ms. Localio also questioned the availability of water service in the area. She expressed concerns about stormwater and traffic safety. Ms. Localio also inquired about the notice requirements regarding zoning changes.

Jim Hutzelmann, High Street was sworn spoke in opposition of designating this as an area in need of redevelopment stating that he believes the criteria presented is not justified. He expressed concerns about traffic, noise, and visual impact as a result of any new development. He also noted that there is currently no posted speed limit on Railroad Ave.

Chair Monaco spoke briefly as to the Supreme Court mandate on affordable housing and the Township's obligations.

Andrew Kelco, High Street was sworn and spoke in opposition of designating this as an area in need of redevelopment.

Richard Lutzky Jr., High Street was sworn and expressed concern about the wetlands on Lot 1 and the removal of forests to develop the area when there are other more suitable locations available.

Dawn Localio, Railroad Ave. stated that she was not in favor of designating the area as an area in need of redevelopment.

Richard Lutzky Sr., High Street was sworn and expressed concern about a potential increase in traffic as a result of new development in the area.

Andrew Cusano, High Street was sworn and inquired about the next steps in the process.

Stephanie Preston, High Street was sworn and inquired about the number of units that are proposed at the site. She expressed concern about the effects on the water system since the existing homes all have wells.

Wayne Hemingway, Railroad Ave. was sworn inquired as to why other properties were not looked at. He also expressed concern about pedestrian safety on Railroad Ave stating that vehicles driving at excessive speed on the road.

Mr. Drill read into the record a letter received from Attorney Jeffrey Kantowitz Esq. on behalf of Flemington Associates, owners of Lot 2 as follows:

"Dear Chairman and Members of the Township of Readington Planning Board:

We represent Flemington Associates ("FA"), owners of real property identified as Block 81, Lot 2 on the Township's tax maps. We submit these comments pursuant to the March 30, 2022 dated Notice of Planning Board Hearing (scheduled for April 11, 2022, at 7:00pm) on Investigation and Designation of Non-Condensation Redevelopment Area, Block 81, Lot 1, 2,3, and 4. Please include these written comments in the record before the Planning Board ("Board") as part of its hearing on this matter.

We have reviewed the April 6, 2022 Preliminary Investigation of Area in Need of Redevelopment (Non-Condensation) for Three Bridges Block 81 Study Area("PI-AINR"), prepared by Clarke Caton Hintz.

The Board should be aware that Flemington Associates participated in the Township's declaratory judgment action, titled In the Matter of the Township of Readington, etc., Docket No. HNT-L-301-15 ("Affordable Housing ("AH") Litigation"). The Township determined to include these parcels, i.e., Block 81, Lots 1, 2, 3, and 4, in a newly created zone district named the MFAH-2.5 zone district, which was recently adopted by Ordinance #07-2022. This ordinance (whose predecessor was an MFAH-2 zone that was later revised), followed from a settlement agreement between the Township and Fair Housing Center as part of the AH Litigation in which the Township represented to FSHC and then to the Superior Court that the Flemington Associates property was suitable, such that the rezoning of these parcels for multi-family, high density inclusionary development created a realistic opportunity for the development of up to 168 units and up to 42 affordable housing units on the parcels.

As a result of these Township representations, the Superior Court entered a Judgment of Compliance and Repose ("JOCR"), as the Township adopted the MFAH-2.5 zone ordinance to create that realistic opportunity.

Yet, the PI-AINR does not reconcile factually with the terms of Ordinance #07-2022, nor with the Township's representations and the Superior Court's determination that the MFAH 2.5 zone, which includes the Flemington Associates property, creates a realistically opportunity for multi-family housing. For example, Ordinance #07-2022 specifically exempted the Flemington Associates property from certain provisions that would impede inclusionary

development, including the Landform Protection Ordinance. See Ordinance #07-2022, codified as section 148-27.10(E)(9)(exemptions for development of these parcels from section 148-50, 148-52, and 148-60.1). Compare with PI-AINR, at page 16 (discussion of topography and applicability of Landform Protection Ordinance), its discussion that the Landform Protection Ordinance applies, and its statement that such an ordinance would not allow for “any large scale development” on the Flemington Associates property, lot 2.

Similarly, the PI-AINR (bottom of page 15) asserts that development of the Flemington Associates property is not likely because of its location outside of the RTMUA sewer service area. Yet, in the same paragraph, the PI-AINR notes the property’s closeness to that sewer service area. Too, the PI-AINR, in discussing utilities in the study area, which consists of lots 1, 2, 3, and 4, states at page 6 in the paragraph title “Utilities:” “Readington Township is seeking to extend sewer service to the study area and has submitted an application [to] the NJDEP for a Water Quality Management Plan amendment to include Block 81, Lot 1...”

Plainly, the same municipal efforts, or endorsements of private party efforts, should apply to the entire study area as the PI-AINR states that the Township is seeking to “extend the sewer service area to the study area.” For, indeed, and in fact, the PI-AINR’s recognition that the entire study area should be made a part of the Sewer Service Area, through a sewer service area amendment, furthers the goals of creating affordable housing and the Township’s representations.

So, too, does municipal cooperation – an element inherent in a JOCR – to achieve this amendment.

Furthermore, contrary to the PI-AINR, the JOCR, which implements the Settlement Agreement entered into in the AH Litigation, and which calls for implementing zoning ordinances, recognizes the suitability of the Flemington Associates property for high density multifamily development. Yet, the PI-AINR’s assertions that the soils of the property and the difficulty to attain sewer service preclude such development undercut plainly, and are at odds with, the Township’s assertions.

So, too, is the PI-AINR’s claim of lack of access. A 50’ buffer along a stream of intermediate value still affords access to lot 2 for multi-family development. These plain contradictory statements must be clarified, explained, and reconciled before any recommendation can be made by the Planning Board to the Readington Township Committee.

Nevertheless, we offer the following suggestions that should be implemented in connection with any action on the PI-AINR:

- 1. The entire study area – lots 1, 2, 3, and 4 of Block 81, should be included in a sewer service area amendment and the Township should endorse, where appropriate, any application by Flemington Associates for such an amendment to be applied to its property;*
- 2. Given the 50-foot-wide buffer for the stream of intermediate value that straddles lots 1 and 2, access appears available in order to develop Flemington Associates’ lot 2 for multifamily housing, in accordance with Ordinance #07-2022 under the provisions of the MFAH-2.5 zone;*
- 3. Nothing in any recommendation by the Planning Board should diminish the rights and interests of Flemington Associates, nor the value of its property. Flemington Associates should*

be the presumptive redeveloper of its property, and the opportunity to obtain a PILOT (payment in lieu of taxes) painting in lieu of taxes program, should be encouraged, afforded, and endorsed.

4. Flemington Associates' property should be treated, with respect to any designation by the Board or the Committee, in a manner that in no way diminishes its inclusion in the Township's affordable housing compliance plan, or detracts from the realistic opportunity to development established by the rezoning of the property and the representations of the Township as part of its AH Litigation and fair share housing compliance plan;

5. The lots in the study area should be treated uniformly, as they are treated uniformly by the newly created MFAH 2.5 zone district in order to maximize opportunity for development;

6. The PI-AINR should recognize the purposefulness of the Township's and the Board's encouragement, assistance, and endorsement, where appropriate, of efforts of the study area's property owners, including Flemington Associates, to obtain infrastructure (i.e., water service and sewer service), in accordance with the Township's representations in the Affordable Housing Litigation, in the settlement agreement, and under the JOCR.

We appreciate the Planning Board's courtesies and consideration and its inclusion of these comments in the record of the April 11, 2022, public hearing."

Mr. Sullivan provided clarification and comments on the points in the letter.

The Board deliberated.

Ms. Filler moved, and Mr. Albanese seconded, a motion to recommend to the Township Committee that Block 81 Lots 1, 2, 3 & 4 be designated an area in need of redevelopment for the reasons set forth in the preliminary investigation report prepared by Clarke Caton Hintz as amended on the record this evening. The roll call vote follows:

Member	Motion	2nd	Yes	No	Abstain	Absent	Not Eligible	Recused
Albanese		X	X					
Allen			X					
Cook						X*		
Filler	X		X					
Hindle			X					
John						X		
Mueller			X					
Monaco			X					
Rohrbach						X		
Villa			X					
Hendrickson			X					

*Mr. Cook left the meeting at 8:05 p.m.

OTHER BUSINESS

Discussion- Complete Street and Green Streets Policy

Chair Monaco stated that this will be tabled to the next meet when Board Member Rohrbach could be present for the discussion.

Discussion- Sign Ordinance

Chair Monaco stated that this would be tabled for further discussion at a future meeting.

Mr. Albanese moved, and Ms. Filler seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at approximately 9:10 p.m.

Respectfully submitted,
Ann Marie Lehberger
Planning Board Secretary